



USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT (JSP)

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TABLE OF CONTENTS

I.	Program-Related Activities and Tasks	3
1.	Result 1: Strengthening Advocacy and Citizen Participation in Judicial Sector Reform ...	3
1.1	Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs and the Role they can Play in Strengthening the Rule of Law in Macedonia	3
1.2	Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved.....	3
1.3	Offshore Study Tour for LPAs & CSOs	5
1.4	Coordination Meetings	6
2.	Result 2: More Independent, Efficient, and Consistent Application of Judicial Policies and Practices	7
2.1	Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System	7
2.2	Requirement 2.2: Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System.....	8
3.	Result 3: Increased Fairness and Efficiency of the Administration of Justice through More Effective Legal Personnel and Efficient Processes.....	9
3.1	Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases.....	9
3.2	Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases...	9
II.	Problems and Remedial Actions	11
III.	Administrative Matters	11
IV.	Summary of Activities Planned for May 2013	11

I. PROGRAM-RELATED ACTIVITIES AND TASKS

I. RESULT 1: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

I.1 Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role they can Play in Strengthening the Rule of Law in Macedonia

The JSP previously completed the short, focused initial assessment of the needs of 11 professional and civil society organizations (CSOs), through a subcontractor: the Macedonian Center for Institutional Development (CIRa). JSP selected three organizations for phase II of the assessment:

- The Macedonian Judges Association (MJA), which represents most of the judges in Macedonia. The Association is active in providing a forum for discussion of various issues facing society, such as the Law on Defamation and key areas of case processing through the Administrative and High Administrative Court.
- The Macedonian Young Lawyers Association (MYLA), which is a legal professional association (LPA) that provides continuing legal education for young lawyers and works to promote and advance the legal profession in Macedonia. MYLA promotes access to public information and supports the establishment of a free legal aid system.
- The Court Administration Association (CAA), which represents approximately 1200 court employees and is very active in proposing and writing new rules and sub-regulations and advocating for reform.

In Phase II, CIRa assessed the performance of the three selected organizations to identify performance gaps and recommend training and technical assistance packages customized to the needs of each organization.

I.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved

The JSP proceeded with the implementation of phase III, which started in October 2012 and will run through October 2013. Phase III activities include a series of training workshops to enhance the capacity of the selected organizations. JSP is overseeing the implementation of these workshops.

MJA participation has been low and its members have displayed a lack of enthusiasm. Given this, the JSP has reached out to the eight LPAs/CSOs that were not among the original targeted group and has offered them seats each at the remaining training sessions, provided that the selected participants make a good-faith commitment to attend specific sessions.

The following section reports on the trainings and workshops that took place during May 2013.

Trainings and Workshops for LPAs for May 2013

Activity/Deliverable	Counterparts	Activity Description	Start Date	Finish Date
Developing training delivery skills	CAA	<ul style="list-style-type: none"> Preparation of the trainings and workshop materials Implementation of trainings and workshop Evaluation of the trainings and workshop 	May 14, 2013	May 15, 2013
Maintaining effective donor relations	MYLA		May 16, 2013	May 17, 2013
Training in management and leadership skills	All for Fair Trials Coalition, ELSA, Chamber of Mediators, Chamber of Enforcement Agents, Notary Chamber		May 28, 2013	May 29, 2013

1.2.1 Court Administration Association

Support for a CAA Publication

The CAA published one brochure (“*Informator*”) in 2010, which members found to be a very valuable tool for conveying information to, and communicating with, the entire membership, as well as judges, media, and other stakeholders. More recently, in May, CAA members embarked on producing the association’s second brochure to promote awareness of its recent results and accomplishments. With JSP support, 1,500 copies were printed (1,300 in Macedonian and 200 in English) and distributed to all courts in Macedonia and an electronic version of the brochure was made available and shared with CAA membership.

The project continues to support the international recognition and networking of the CAA within the International Court Administration Association.

Annual Assembly of the Court Administration Association

The Annual Assembly of the CAA took place on May 22 and 23 in Strumica with the support of JSP. Fifty-five members of the CAA attended the Assembly, including 34 women and 21 men occupying positions such as court administrators, court clerks, accountants, and IT staff. The President of MJA and the Chief Justice, although invited, did not attend due to other obligations.

During the first day of the Assembly, court administrators Olivera Maneli and Saso Temelkoski presented the current procedures for evaluation and disciplinary responsibility of court employees, as regulated by the Law on Court Service and the relevant sub-regulations. The need for this topic arose from the increasing number of disciplinary cases before the Court Service Council recently.

Major agenda topics during the second day of the Annual Assembly included:

- (i) Adoption of CAA Strategic Plan 2013-2015, which was facilitated by EMBRA in November 2012

- (ii) Presentation by Pance Kjosev, one of the study tour participants to Sweden and Estonia from CAA, of the impressions and Action Plan that was developed afterwards, and
- (iii) Past accomplishments and future activities

At the Annual Assembly, a selected group of Information and Communications Technology (ICT) administrators from eight courts in Macedonia worked on revisions to ICT job descriptions in order to standardize them throughout the country and reflect their actual tasks and duties in the courts. This group of ICT administrators worked on the revision of the job descriptions for the three levels of IT positions: IT Manager, IT Advisor and Junior IT Associate.

1.2.2 Macedonian Young Lawyers Association

MYLA provides continuing legal education for young lawyers and works to promote and improve the legal profession in Macedonia. It also promotes access to public information and supports the establishment of a free legal aid system.

As a follow-up to an initial flyer, MYLA has completed an in-depth brochure describing its accomplishments and its initiatives, supported by JSP to be distributed to young attorneys, law students, potential donors and partners from abroad. JSP will support promotional events, in which MYLA will present information about their organization and the new brochure to appropriate audiences in a continuing effort to strengthening its institutional capacity and long-term sustainability.

On May 8, at the University of South Eastern Europe (SEEU) in Tetovo, two MYLA members made a presentation to approximately 30 students at the Faculty of Law of the goals and objectives of its organization, the procedure for becoming a MYLA member and the benefits and opportunities that MYLA offers. The promotion was conducted in Macedonian and Albanian, having in mind that the majority of the students at SEEU University are native Albanian speakers. In part, a prominent lawyer and member of MYLA presented a case from the criminal law area, to serve as an introduction to the practical side of the law and court procedures, followed by a Q&A session.

The JSP Deputy Chief of Party (DCOP) announced the possibility of organizing the promotion of the ELSA brochure entitled *Juvenile Justice*, which was gladly accepted by Dean Ismail Zejneli, as juvenile justice is part of the curriculum at the law school.

MYLA and SEEU agreed to continue this fruitful collaboration in different fields in the future, in capacities such as networking with the law society at the Faculty of Law.

Association of Public Prosecutors

After negotiations in the previous month, JSP agreed to assist the Association of Public Prosecutors (APP) in upgrading their web page and to provide technical help in the preparation, design, formatting, and printing of an APP newsletter. The JSP Project Attorney and IT expert met with the organization's staff in May to evaluate and determine the needs to upgrade the webpage. Both initiatives are expected to be completed in June or early July.

1.3 Offshore Study Tour for LPAs & CSOs

Seven members from the LPAs attended a study tour to Sweden and Estonia in April. They were from the MLA, MYLA, ELSA, All For Fair Trials (AFFT), and the CAA.

During May, the participants engaged in follow-up activities by continuing work on the implementation of action plans developed during the course of the study tour. The implementation of these action plans is being guided by the DCOP, who accompanied them on

the study tour and acts as their advisor. A group meeting of the participants is planned for early June to assist the participants and support full implementation of their plans.

On May 17, JSP supported an event during which the participants from the LPA and CSO study tour shared the experiences and knowledge gained during the visit of Estonia and Sweden, as well as their plans for the future, with colleagues from other associations. Major highlights of the study tour participants consisted of the uniqueness of Sweden's Parliamentary Ombudsman program, the strength of the Bar Associations in both Estonia and Sweden, the transparency of the Swedish courts, the accountability of the courts in both Sweden and Estonia, openness of the courts to the media and the collaboration of human rights institutions with the judiciary.

After the presentations, a fruitful roundtable discussion took place, among all attending LPAs and CPOs present, exploring the possibilities of implementing the good practices observed on the study tour. The assemblage also discussed the possibility of forming a broad-based coalition to act as a watchdog in the area of the judiciary, based on similar coalitions in Estonia and Sweden.

On May 23, Pance Kjosev, the court clerk in BC Strumica, gave a presentation of the study tour to Sweden and Estonia at the Annual Assembly of CAA.

1.4 Coordination Meetings

President of the Judicial Council

The Chief of Party (COP) and the DCOP communicated regularly with the president of the Judicial Council (JC) in May to coordinate the efforts of the project with JC activities and to offer support for the various disciplines within the judicial branch. Among the topics discussed was a request from the JC to upgrade the Automated Budget Management System (ABMS) so as to provide more focused reporting and integration with the Automated Court Case Management Information System (ACCMIS), as well as the possibility of updating the Judiciary Strategic Plan and the finalization of the Code of Ethics for the staff of the JC.

Administrative Office of the Court Budget Council

On May 13, the JSP COP, DCOP and court administration coordinator met with Silvija Janevska, head of the Administrative Office (AO) of the Court Budget Council (CBC) in order to plan joint activities and assess the need for JSP support for the upcoming period related to preparation of needs-based budgets focusing on courts in need of specialized assistance.

USAID Disability Policies and Procedures

USAID has taken steps to encourage USAID funded projects to be aware of the needs of people with disabilities and special needs. In Macedonia, this segment of the population has faced challenges including lack of awareness and little user-friendly infrastructure. This follow-up meeting, held at the US Embassy on May 30, gave the projects an opportunity to share their practices for integrating this segment of society and to share ways to become more supportive in hiring, selection of program sights, terminologies, etc. The meeting demonstrated ways to raise awareness of the issues and challenges of the disabled in Macedonia and to encourage projects to be pro-active.

Academy for Judges and Public Prosecutors (Academy)

A periodic coordination meeting between Judge Arnaudovska, the director of the JTA, and JSP COP, DCOP and Court Administration Coordinator was held on May 29. Potential trainings and workshops for June and the upcoming third quarter were identified, which include the following:

- Leadership and Teambuilding Training for president judges, court administrators and heads of court departments to be delivered by Judge Maan, Judge Traficanti, and a court administration expert from the USA between September 16 and 21, 2013. JSP agreed to secure a US-based teambuilding specialist to supplement the training
- Training for the courts' Public Information Officers (PIOs)
- Training for the courts' couriers, designed as a module for the heads of delivery services of the courts. JSP agreed to identify potential trainers and schedule the training in accordance with the availability of the trainers

Judge Arnaudovska also raised topics for potential future trainings and workshops in cooperation with the Academy, with an interesting and important option involving e-learning. The Academy has the equipment in place from another donor for distance learning but has not been used, except for initial testing. The Academy has invited the JSP to evaluate the feasibility of using the equipment, once a technician can be arranged. JSP will support such an effort on a pilot basis.

Other areas being explored by JSP and the Academy include: (i) training for lay judges, perhaps on the new Civil Procedure law; (ii) training for ICT staff; (iii) electronic publication of the legal harmonization meetings that JSP presently supports; and (iv) training for court police.

Mesacons/Embra

JSP staff holds monthly coordination meetings with its training subcontractor, Mesacons/Embra (EMBRA). On May 29, EMBRA was reminded to submit the monthly reports on schedule and in electronic format. Discussion continued regarding completion of the survey to establish base lines for measuring progress of the capacity of the LPAs being trained in early June.

A meeting has been scheduled for early June between JSP, EMBRA, CAA and MYLA, being two of the major LPAs receiving targeted training. In addition, JSP and EMBRA will reschedule the trainings originally intended for the MJA with other LPAs, which JSP has been working.

Evaluation of Budget Expenditure, Work Plan and Progress on the Project Management Plan for 2013 by JSP Staff

On May 15, JSP staff had an internal coordination meeting to assess budget expenditures to date and to assist the finance administrator in coordinating project resources with projected activities, events and study tours. On May 30, JSP professional staff met to evaluate progress and accomplishments to date of the project, and to chart a course for the balance of the year covered by the current work plan, with particular focus on the upcoming quarter.

2. RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES

2.1 Requirement 2.1: Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System

2.1.1 Review and Advocacy of Laws by the Judiciary

Judicial Branch Forum

The Judicial Branch Forum (JBF) is designed to provide an opportunity for the leaders of judicial branch institutions and associations to discuss the progress, current status and next steps in the implementation of the judicial reforms in Macedonia. All of these topics are important to the

ultimate accomplishment of the reform goals (i.e., establishment of the judiciary as a fully independent, effective and self-governed branch of government capable of upholding the rule of law and providing timely and quality services to all citizens of the Republic of Macedonia). JSP will again host a two-day meeting of the JBF on June 19-20 at the Hotel Aurora in Berovo, Macedonia. This has become a quarterly event, with this being the third experience. The location serves as a mini-retreat for the top leaders of the court system and provides a rare opportunity to communicate and collaborate with each other as a group. The topics for the June event are as following:

- Presentation and discussion of the Differentiated Case Management (DCM) concept
- Presentation of the ICT report delivered by JSP's on-call consultant
- Presentation and discussion of the Court Budget
- Staffing Guidelines and the development of a Needs-Based Budget
- Other recommended topics by the members

2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System

2.2.1 Court Service Council and Court Administrators

The project has offered to support and facilitate two working groups to work on replacing antiquated job descriptions for two major groups of court employees—Court Administrators and Information Technology Specialists. As reported above, during the Annual Assembly of the CAA, a select group of ICT specialists drafted three job descriptions relating to ICT administration and support in the courts. These documents are being circulated among the ICT professionals in the courts by way of the blog set up by the ICT leaders. When finalized, it is to be sent to the appropriate agency for approval.

The project has not yet received authorization to move ahead with the job description for the court administrators due to pending changes in the Law on Court Services in the parliament. As authorization is expected in June; JSP will then assemble the working group and commence the process of developing updated job descriptions for court administrators.

2.2.1 Public Information Officer Training

After a coordination meeting with the director of the Academy on May 29, JSP has begun planning for a training/workshop for the PIOs. It was agreed that the training would be delivered by Jelena Janevska and Biljana Petkovska (Macedonian Institute for Media), both well-known trainers and public information experts. It will encompass both PIOs designated by the PJs, as in accordance to the Law on Courts, who have not been previously trained, as well as the persons responsible for communication with the public (referred to as “court clerks”), according to the Law on Free Access to Public Information.

2.2.2 Judicial Council Employee Code of Ethics

The project was asked to assist the general secretary of the JC in finalizing the Code of Ethics for the employees of the JC. JSP staff, working with the general secretary, completed the final revisions of the code that was originally drafted with support of the previous USAID Judicial Reform Implementation Project but was never approved. The code is now awaiting approval by the JC, which is expected in June.

2.2.3 Differentiated Case Management—Consultancy

While there is a positive trend in the reduction of backlogged and pending cases in the Macedonian judiciary, an advanced case management tool known as differentiated case management (DCM) could help improve the situation yet further. Under the JSP's direction, Markus Zimmer, a DCM expert, concluded a report entitled *Case Management Practices in the Macedonian Courts: A Proposal for Designing and Implementing Differentiated Case Management and Time Standards*. It presents the current status, managerial framework, and operational efficiency of the Macedonian court system, and reviews whether it is a viable candidate for successful implementation of DCM.

In May, the translated report was sent to the president of each of the appellate courts and the president of the JC for in-depth review. It will be formally presented to the JBF in June to encourage a consensus by, and the support of, the top judicial leaders of the Republic of Macedonia.

3. RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES

3.1 Requirement 3.1: Develop and Implement Targeted Specialized Training for Judges, Court Administrators, Executives and Court Staff

3.1.1 Training on Mediation and Arbitration

The JSP reaffirmed its commitment with the Academy to support a training entitled “Mediation and Arbitration” on June 27 and has agreed to attempt to identify foreign experts for this training, as requested by the Academy director.

3.1.2 Study Tour II for Court Administrators and Court Staff

The second JSP study tour will focus on increasing the capacities and skills of the court administrators and court staff. The program will stress coordination and communication among various justice sector actors and institutions in order to strengthen judicial independence and more effective and accountable court operations. Areas of focus will include court administration and management, budgeting and finance, case flow management, backlog reduction, human resources, court facilities, information communication technology and archiving.

During May, the scope of work and request for proposals (RFP) was prepared and, on May 30, the RFP for competitive bidding was posted. It is anticipated that the study tour will take place between September 23 to October 3, for eleven days with eight participants, plus a member of the JSP staff.

3.2 Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases

Most courts have made a good deal of progress in processing cases and reducing backlogs. However, challenges do remain. As a follow-up to the appellate regional meetings held on March 18 and 21, which addressed backlogs and case processing and other concerns, JSP has contacted the presidents of the appellate courts to offer assistance to any individual courts in their appellate regions in need of remedial and/or technical assistance in resolving cases in a more expeditious manner. To date, the president judges of Appellate Court Skopje and Appellate Court Gostivar have assembled teams to work with JSP in the areas in need of assistance.

JSP staff visited Basic Court Kumanovo on May 20 and Basic Court Skopje I on May 28 to identify regional reasons for delay and design solutions. Due to the initiative in addressing

backlog by the president judge of Skopje I, the clearance rate has risen to 112% (dispositions over filings) since January to the end of April. This is a significant turnaround for that court which previously had a negative clearance rate for several years.

The project will conduct similar visits to two courts in the Gostivar appellate region, Tetovo and Kicevo, in early June to continue improving caseload processing and backlog reduction in the Macedonian courts.

3.2.1 Support for Judicial Sector Automation

Electronic Digital Recording of Court Hearings and Trials

Previously, JSP completed training of teams in all courts in which electronic recording devices have been installed. The Court Book of Rules was amended, effective on May 20, to clarify procedures for the use of electronic recording of court hearings. JSP was informed that the courts need additional training and additional assistance to comply fully with the law. Accordingly, JSP has consulted with and arranged to retain the previous trainer, Sasho Aleksovski, to conduct training of future trainers among the court staff.

JSP has also agreed to support the integration of certain software so that the recording system will function more seamlessly with ACCMIS. To facilitate its use, the consultant has suggested installing templates for ease in issuing decisions and other recording device deliverables. JSP has also agreed to support an assistant for one year to support the use of electronic recording in Basic Court Skopje II, the largest civil court in Macedonia. These plans will be implemented during June.

Review and Evaluation of the Status of Judicial Automation

At JSP's request, the on-call ICT expert reviewed the progress of court case automation in order to provide a thorough overview of ICT needs and developments that have taken place in Macedonia in recent years. The report is based mainly on data collected by JSP through a survey of existing hardware in the courts and site visits during the last reporting period. The report highlights the different trends, implementation approaches and problem-solutions in the courts, along with several recommendations. It includes the following:

- Scheduled replacement/upgrade of workstations
- Scheduled replacement/upgrade of servers
- Additional memory storage
- Centralized backup of data storage (hardware and software)
- Upgrade printing capacities
- Regular renewal of antivirus licenses
- Secure annual software subscriptions
- Support planned program of electronic delivery
- Provide new solution for storing court decisions electronically
- Improve standards for computer networks (LAN)
- Provide a 5 year long-term budget plan for replacement and upgrading of ICT equipment
- Develop new ICT development trends
- Expand use of video conferencing
- New equipment purchase to be according to the recommended international standards
- Green ICT agenda (i.e., environmental responsibility)

Upgrade of Automated Budget Management System

The ABMS is the successful budget software program pioneered by the previous USAID Macedonia Court Modernization Project. It has been integrated with ACCMIS and is the mainstay of the Macedonian courts budgeting and finance. During this reporting period, the CBC has requested an upgrade of the ABMS due to many changes that have been made to laws and sub-regulations, which require implementation to the ABMS as well.

Specifically, due to the changes to the Law on Court Service, in which the AO of the CBC has taken over the administration of the Register of court employees, it has additional mandates, including the consideration of requests for employment from the court budget users. In order to do so, substantial upgrades and changes to the applicable software is needed. Subject to COR approval, the project will contract for the necessary changes to the ABMS in June.

E-delivery program

The law now provides for the eventual implementation of e-delivery of court documents to the courts and to opposing parties in litigation. There are many obstacles to overcome, including the latest developments in electronic signatures. JSP staff met with electronic delivery expert Marin Piperkovski and two of the top court ICT specialists on May 31. The staff evaluated the challenges and decided to retain Mr. Piperkovski for further advice for a period of 2-5 days, in order to assist the courts with the upcoming implementation. However, this was put on hold at the request of the president of the Supreme Court and will be revisited at a later date.

II. PROBLEMS AND REMEDIAL ACTIONS

Problems have been minimal and are of the type to be expected in the regular course of implementation.

III. ADMINISTRATIVE MATTERS

Tetra Tech DPK provided a Global Fellow intern, Uma Arunachalam, who started work on March 15 and is expected to be with the project until June 15. She has been of great assistance to the project, helping to update the JSP website, writing reports, and assisting in research regarding staffing guidelines.

After the second probation period ended in May, the JSP decided to offer Project Attorney Ivan Mojsov a permanent contract until the end of the project. Mr. Mojsov has progressed nicely and has become a valued member of the JSP team.

IV. SUMMARY OF ACTIVITIES PLANNED FOR JUNE 2013

The summary of activities planned for June 2013 is as follows:

- Oversee and manage the capacity development program with EMBRA
- Maintain regular communications with EMBRA and conduct regular coordination meetings according to the subcontract
- Continue coordination with the Academy for future events
- Continue to accumulate statistical data on case filings, dispositions, and backlogs by court and case type
- Continue to lead team to courts with problematic case processing issues and provide remedial assistance
- At the request of the CBC, re-establish the working group for the next phase of the implementation of staffing guidelines and conduct a first meeting

- Continue to work with six pilot courts and other courts to meet targets on needs-based budgets as requested by the AO of the CBC
- Support the JBF its quarterly meeting
- Present the DCM concept to the members of the JBF
- Answer questions from potential vendors as a result of the RFP posted for the second study tour
- Provide requested support for a working group of CAA members in preparing suggested amendments to the Law on Court Services
- Print a second brochure on MYLA accomplishments
- Support MYLA visits to law faculties
- Support printing and distribution of ELSA's *Juvenile Justice* publication
- Continue support of student visits to courts and distribution of ELSA publications integrating people with disabilities
- Continue the oversight of the implementation of electronic recording of court hearings, support of the "train-the-trainer" program, support installation of templates, and fund the integration of software
- Provide an electronic court recording coordinator to BC Skopje II for one year
- Present ICT consultant report to the JBF and advocate for implementation of the recommendations
- Renew ICT consultant contract with a LOE of 30 days to November 22, 2014
- Follow progress in implementation of the Action Plans of CAA, ELSA, MLA, AFFT and MYLA as part of the recent study tour objectives
- Support e-delivery, through retention of expert and consultation meetings
- Publish 5 year jurisprudence book of the Appellate Court Stip
- Publication of the brochure for the APP
- Upgrade the website for the APP
- Upgrade ABMS for the CBC
- Support training for the PIOs
- Support training for the Mediators and Arbitration Association